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SPECIAL BOARD OF ADJUSTMENT NO. 122

THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY
THE LAKE ERIE AND EASTERN RAILROAD COMPANY

vs

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES

AWARD NO. 9
CASE NO. 14

STATEMENT OF CLAIM:

Claim for wage loss May 31 and June 1, 1954 account discipline assessed against Engine Dispatcher D. R. Witt at McKees Rocks for alleged violation of Rule 725 of the operating book of rules on May 26, 1954. (CI-225)

FINDINGS: The Board, upon the whole record and all the evidence, finds that:

The Carrier or Carriers and the employee or employees involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

The Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due notice of hearing thereon.

A careful reading of the transcript of investigation fails to suggest that Claimant was other than genuinely ill when he reported such condition to the Crew Caller and advised him to obtain a substitute. There is no basis for presuming that Claimant would have been denied permission to lay off had he spoken directly with Road Foreman of Engines. If the Carrier was intent on verifying the authenticity of Claimant's sickness, it had plenty of opportunity to do so. A violation of Operating Rule 725 is not shown.

AWARD: Claim sustained for earnings that would have accrued to Claimant had he worked 8 hours on each of the days, May 31, and June 1, 1954.

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/s/ Harold M. Gilden
Harold M. Gilden, Neutral and Only
Member thereof.

Pittsburgh, Pennsylvania
April 25, 1957.